

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Crystal Suzanne Whitfield,)	Civil Action No.: 1:14-cv-03352-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Commissioner of the)	
Social Security Administration,)	
)	
Defendant,)	
_____)	

Plaintiff Crystal Suzanne Whitfield seeks judicial review of a final decision of the Commissioner of the Social Security Administration denying her claim for disability insurance benefits. The matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) for the District of South Carolina. The Magistrate Judge recommends the Court reverse the Commissioner's decision and remand for further administrative proceedings based on the administrative law judge's (1) failure to properly apply the factors set forth in 20 C.F.R. § 404.1527(c), specifically the supportability and consistency factors; and (2) inadequate consideration of the opinion evidence concerning Plaintiff's residual functional capacity. R & R at 1, 27-29.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate

Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the R & R.¹ In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the R & R of the Magistrate Judge [ECF No. 13] is adopted and incorporated by reference. **IT IS THEREFORE ORDERED** that the Commissioner's decision is **REVERSED** and that this case is **REMANDED** to the Commissioner for further proceedings.

IT IS SO ORDERED.

Florence, SC
July 10, 2015

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

¹ Defendant filed a notice stating she would not file objections to the R & R. *See* ECF No. 15.